

# Offenses Requiring Sex Offender Registration

This table reflects amendments to the Sex Offender Registration Law (G.L. c. 6, §§ 178C-178Q) through St. 2003, c. 77, § 3 (effective September 30, 2003).

OFFENSES CONVICTION OF WHICH REQUIRE SEX OFFENDER REGISTRATION						
Statute	WMS Offense Codes & Descriptions <i>(<b>Bolded</b> offenses are within the District Court's final jurisdiction)</i>		Sex Offender Registration Required	Also a "Sex offense involving a child" ?	Also a "Sexually violent offense" ?	Lifetime Community Parole Supervision Required <sup>1</sup>
c.265 §13B	265/13B/A	<b>INDECENT A&amp;B ON CHILD UNDER 14</b> c265 §13B	✓	✓	✓	Optional for 1st offense <sup>2,3</sup>
	265/13B/B	<b>INDECENT A&amp;B ON CHILD UNDER 14, SUBSQ.</b> c265 §13B	✓	✓	✓	✓ <sup>2</sup>
c.265 §13F	265/13F/A	INDECENT A&B ON RETARDED PERSON c265 §13F	✓		✓	Optional for 1st offense <sup>2,3</sup>
	265/13F/B	INDECENT A&B ON RETARDED PERSON, SUBSQ. c265 §13F	✓		✓	✓ <sup>2</sup>
c.265 §13H	265/13H	<b>INDECENT A&amp;B ON PERSON 14 OR OVER</b> c265 §13H	✓			Optional for 1st offense <sup>2,3</sup>
c.265 §22	265/22/A	RAPE c265 §22	✓		✓	✓ <sup>2,4,5</sup>
	265/22/D	RAPE, SUBSQ.OFF. c265 §22				
	265/22/B 265/22/C	RAPE, AGGRAVATED c265 §22 RAPE, AGGRAVATED, SUBSQ.OFF. c265 §22	✓	✓ <sup>6</sup>	✓	✓ <sup>2,4,5</sup>
c.265 §22A	265/22A/A	RAPE OF CHILD WITH FORCE c265 §22A	✓	✓	✓	✓ <sup>2,4,5</sup>
	265/22A/B	RAPE OF CHILD WITH FORCE, SUBSQ.OFF. c265 §22A				
c.265 §23	265/23/A	RAPE OF CHILD, STATUTORY c265 §23	✓	✓		✓ <sup>2,4,5</sup>
	265/23/B	RAPE OF CHILD, STATUTORY, SUBSQ.OFF. c265 §23				
c.265 §24	265/24/A	ASSAULT TO RAPE c265 §24	✓		✓	✓ <sup>2,4,5</sup>
	265/24/B	ASSAULT TO RAPE, SUBSQ.OFF. c265 §24				
c.265 §24B	265/24B/A	ASSAULT TO RAPE CHILD c265 §24B	✓	✓	✓	✓ <sup>2,4,5</sup>
	265/24B/B	ASSAULT TO RAPE CHILD, SUBSQ.OFF. c265 §24B				
c.265 §26	265/26/C	KIDNAPPING OF CHILD UNDER 16 c265 §26 ¶4	✓	✓		✓ <sup>2,4,5</sup>
c.265 §26C	265/26C	<b>ENTICE CHILD UNDER 16</b> c265 §26C(b)	✓	✓		
c.272 §2	272/2	<b>PROSTITUTION/UNLAW SEX, ABDUCT PERSON FOR</b> c272 §2	✓			
c.272 §3	272/3	SEXUAL INTERCOURSE, DRUG FOR c272 §3	✓		✓	✓ <sup>2,4</sup>
c.272 §4A	272/4A	PROSTITUTION, INDUCE MINOR TO c272 §4A	✓	✓		
c.272 §4B	272/4B	PROSTITUTION, DERIVE SUPPORT FROM CHILD c272 §4B	✓	✓		
c.272 §16	272/16/B	<b>LEWDNESS, OPEN AND GROSS, SUBSQ.OFF.</b> c272 §16 <i>where offense is second or subsequent criminal, delinquency or juvenile offender conviction or adjudication, exclusive of any first-offense delinquency adjudication before 8/1/92</i>	✓			
c.272 §17	272/17	INCEST c272 §17	✓			
c.272 §28	272/28/A	<b>OBSCENE MATTER TO MINOR</b> c272 §28	✓	✓		
	272/28/B	<b>OBSCENE MATTER TO MINOR, 2ND OFF.</b> c272 §28				
	272/28/C	<b>OBSCENE MATTER TO MINOR, 3RD OFF.</b> c272 §28				
c.272 §29A	272/29A/A	CHILD IN NUDE, LASCIVIOUS POSE/EXHIBIT c272 §29A	✓	✓		
	272/29A/B	CHILD IN SEXUAL ACT, POSE/EXHIBIT c272 §29A				
c.272 §29B	272/29B/A	CHILD IN NUDE, DISTRIB MATERIAL OF c272 §29B	✓	✓		
	272/29B/B	CHILD IN SEXUAL ACT, DISTRIB MATERIAL OF c272 §29B				
c.272 §29C	272/29C/A	<b>CHILD PORNOGRAPHY, POSSESS</b> c272 §29C	✓			
	272/29C/B	CHILD PORNOGRAPHY, POSSESS, 2ND OFF. c272 §29C	✓			
	272/29C/C	CHILD PORNOGRAPHY, POSSESS, 3RD OFF. c272 §29C				
c.272 §35A	272/35A/A	<b>UNNATURAL ACT WITH CHILD -16</b> c272 §35A	✓	✓	✓	✓ <sup>4</sup>
	272/35A/B	UNNATURAL ACT WITH CHILD -16, SUBSQ.OFF. c272 §35A				
c.274 §6	274/6	<b>ATTEMPT TO COMMIT CRIME</b> c274 §6 <i>for any substantive crime listed above</i>	same as substantive crime above			
		<b>OUT-OF-STATE ATTEMPT OFFENSES</b> <sup>7</sup>	same as substantive crime above			

## NOTES

<sup>1</sup> See G.L. c. 265, § 45; c. 275, § 18.

<sup>2</sup> Community parole supervision for life is mandatory for this offense if the defendant has “one or more prior convictions of indecent assault and battery, rape, assault with intent to commit rape, unnatural and lascivious acts, drugging for sex, kidnap or of any offense which is the same as or necessarily includes the same elements of said offense.” G.L. c. 265, § 45.

<sup>3</sup> The judge may do so only on motion by the district attorney, and after a hearing and the appropriate findings supported by clear and convincing evidence. *Commonwealth v. Renderos*, 440 Mass. 422, 432-432, 799 N.E.2d 97, 105-106 (2003).

<sup>4</sup> On first offense, judge shall not impose community parole supervision for life if mitigation is established pursuant to G.L. c. 275, § 18.

<sup>5</sup> On first offense, judge shall not impose community parole supervision for life if district attorney so requests. G.L. c. 275, § 18.

<sup>6</sup> The definition of “sex offense involving a child” in G.L. c. 6, §178C includes “aggravated rape under section 39 of chapter 277.” The failure to limit the definition to those aggravated rapes which involve child victims probably reflects a drafting error. The offense of aggravated rape is actually found in G.L. c. 265, § 22(a), while G.L. c. 277, § 39 sets out acceptable charging language for a number of offenses, including aggravated rape.

<sup>7</sup> The definition of “sex offense” in G.L. c. 6, §178C ends with the words “; any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.” In an earlier version, the statute had a comma after the phrase “chapter 274.” The removal of the comma, coupled with the absence of the semicolon that separates each of the prior offenses in this list, probably reflects a drafting error. Without a comma or semicolon after “chapter 274,” the amended wording appears to include an out-of-state conviction for *attempting* one of the specified offenses, but not an out-of-state conviction for the *completed* crime.